

REMARKS

On page 3 of the Office Action, claims 1-7, 9-11, 13, 19-22, 24, 26-28, and 30-35 were rejected under 35 U.S.C. 103(a) as being unpatentable over Dupont, U.S. Patent Appln. Publication No. 2002/0187705 ("Dupont '705") in combination with Nolan et al. U.S. Patent No. 4,804,886 ("Nolan '886") or Nolan, U.S. Patent No. 4,507,332 ("Nolan '332").

On page 5 of the Office Action, claims 6, 11, 15-18 and 26 were rejected under 35 U.S.C. 103(a) as being unpatentable over Dupont '705 in combination with Nolan '886 or Nolan '332, as applied to claim 1, and further in view of Weingarten, U.S. Patent No. 3,706,216 ("Weingarten").

On page 7 of the Office Action, claims 8, 12, 14 and 25 were rejected under 35 U.S.C. 103(a) as being unpatentable over Dupont '705 in combination with Nolan '886 or Nolan '332, as applied to claim 1, and further in view of Sica, U.S. Patent No. 6,043,600 ("Sica").

On page 8 of the Office Action, claims 23 and 29 were rejected under 35 U.S.C. 103(a) as being obvious over Dupont '705 in combination with Nolan '886 or Nolan '332, as applied to claim 1, and further in view of Duzyk et al., U.S. Patent No. 5,532,549 ("Duzyk").

On page 9 of the Office Action, claim 37 was rejected under 35 U.S.C. 103(a) as being unpatentable over Dupont '705 in combination with Nolan '886 or Nolan '332, as applied to claim 1, and further in view of Payne WO 02/16049.

On page 10 of the Office Action, claims 38-41 were rejected under 35 U.S.C. 103(a) as being obvious over Dupont '705 in combination with Nolan '886 or Nolan '332, as applied to claim 1, and further in view of Weingarten '216, as applied to claim 6 and Sica '600, as applied to claim 8.

On page 9 of the Office Action, claim 42 was rejected under 35 U.S.C. 103(a) as being obvious over Dupont '325 further in view of Weingarten and Sica, as applied to claim 38, and further in view of Duzyk.

Each and every basis of rejection is grounded on the asserted applicability of the primary reference Dupont '705 in combination with Nolan '886 or Nolan '332, and in turn, each and every rejection rises or falls according to the applicability of the teachings and/or suggestions, or absence thereof, of the combination of Dupont '705 with either Nolan '886 or Nolan '332. For the reasons more fully set forth below, Applicant respectfully submits that Dupont '705 in combination with Nolan '886 or Nolan '332 not only fails to teach or suggest the subject matter of the current claims pending in this application but such combination clearly and directly teaches away from the present invention. Hence, the Applicant respectfully traverses the standing rejections and requests the withdrawal thereof and the allowance of all of the present claims of this application.

In response to the arguments of the Examiner in the Final Office Action, Applicant has the following remarks.

As suggested by the Examiner, Applicant has amended claims 1, 10 and 38 to clarify that in the method of the present invention the entirety of the end caps – not just the electrically conductive pins thereof but the entire cap structure -- of the fluorescent light tubes are uncovered during the coating thereof. Specifically, each claim now defines that the “entirety” of the end caps are “uncovered” for “direct” contact “of the coating with the main light body and with the end caps without any other element physically intervening the coating and the end caps.”

As argued by Applicant previously, Dupont '705 fails to disclose, teach, or suggest this aspect of the Applicant's invention. Dupont '705 teaches the importance of always covering the

end caps during coating. Dupont '705 teaches that the end caps, called ferrules in the Dupont disclosure, should first be covered, prior to the coating step, by a plastic end cap or a length of silicone tubing, secured to the end caps/ferrules either by an initial application of an adhesive to the end caps or an initial pre-coating immersion of the end caps into powdered ethylene vinyl acetate. See paragraphs, [0005], [0007], and [0021] in Dupont '705. Although Dupont '705 describes differing embodiments and alternatives, every disclosed embodiment and alternative provides for some initial application to each end cap of adhesive or pre-coating followed by a protective plastic cap or sleeve, after which the coating of the lamp applies the protective polymeric coating over such cap or sleeve.

Thus, Dupont '705 fails altogether to teach or suggest the concept of leaving the "entirety" of the end caps "uncovered" during the coating process for "direct" contact of the coating not only with the main light body but also with the end caps "without any other element [e.g., adhesive, pre-coating, protective cap or sleeve] physically intervening the coating and the end caps." Clearly, Dupont '705 not only fails to teach or suggest the present invention, Dupont '705 clearly teaches to the contrary of the present invention, i.e., Dupont teaches away from the present invention. As such, the present invention is clearly not anticipated nor rendered obvious by Dupont.

Therefore, the Examiner relies upon Dupont '705 in combination with either Nolan '886 and Nolan '332.

Applicant further submits that each of Nolan '886 and Nolan '332 also teach away from the present invention. In fact, both Nolan references specifically teach away from having the entirety of the end caps uncovered. Nolan '332 specifically teaches masking the electrical connecting pins and all of the end caps except for a predetermined portion thereof, applying a

coating of powder to the glass envelope and the predetermined portion of the end caps, melting and fusing the powder on the end caps to form the applied powder into a subsequently uniform thick coating of polymeric material, and subsequently unmasking the electrical connecting pins and end caps (col. 2, lines 47-68 and col. 3, lines 1-3). In this method of powder application as set forth in Nolan '332, it is essential that there are masked portions of the end caps and that only the unmasked portions of the end caps are exposed to the fluidized bed of polymeric powder. It is also essential that a coating of powder from the fluidized bed is applied to the glass envelope and the predetermined portions of the end caps that are not covered by the masking members.

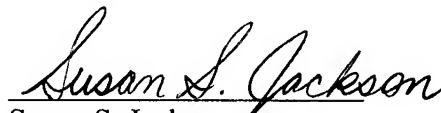
As noted by the Examiner on the bottom of page 10 of the Final Office Action, Applicant points out in paragraph [0006] of its specification that there are other aspects of Nolan '332 that teach away from the present invention. For example, Nolan '332 teaches heating the light tube above the melt temperature of the polymeric material to melt and fuse the powder onto the glass envelope and the unmasked portions on the end caps to form the coating on the light tube. Applicant points out that heating the entire light tube is disadvantageous because it risks loosening the adhesive attaching the end caps to the glass envelope, thus compromising the integrity of the light tube. Thus, Applicant has amended claims 1, 10 and 38 to clarify that only the end caps of the light tubes are heated prior to the coating of the light tube as opposed to the entire light tube as taught by the cited references. As set forth in paragraph [0008] of the present invention, this distinction is significant in that in the present invention the coating and the endcaps form a sealed sheath around the glass envelope. This adherence of the thermo-plastic material to the endcaps, instead of to the glass envelope, ensures the containment of any glass shards within the sealed sheath if the light tube is broken.

Nolan '886 specifically follows the teachings of Nolan '332 with respect to the method of masking of a portion of the end caps. Nolan '886 specifically incorporates by reference Nolan '332. Nolan '886 states that its method is in accordance with the fluorescent lamp coating method or process disclosed in Nolan '332 such that the entire fluorescent lamp except for the portions of the end caps and connecting pins which are masked off as taught in Nolan '332 are coated with an integrally formed coating formed in accordance with Nolan '332.

Thus, Applicant submits that this combination of cited references teaches away from the present invention and, therefore, is an improper basis for an obviousness rejection. Furthermore, there is no teaching or suggestion to modify the combination of cited references apart from Applicant's own specification. It is improper to rely upon Applicant's own specification as a basis for modifying the teachings of the cited references. Accordingly, Applicant respectfully requests reconsideration and withdrawal of the above rejections.

In view of the above, Applicant contends that the present claims are in condition for allowance. Should there be any questions regarding this application, the Examiner is invited to contact the undersigned at the number shown below.

Respectfully submitted,



Susan S. Jackson
Registration No. 41,302
Kennedy Covington Lobdell & Hickman, L.L.P.
Hearst Tower, 47th Floor
214 N. Tryon Street
Charlotte, North Carolina 28202
Telephone (704) 331-7410
-- Attorney for Applicant